

[\*Bausemer v. Flour Daniel\*](#), 90-ERA-16 and 17 (ALJ Apr. 12, 1990)

Go to: [Law Library Directory](#) | [Whistleblower Collection Directory](#) | [Search Form](#) | [Citation Guidelines](#)

---

**U.S. Department of Labor**  
Office of Administrative Law Judges  
1111 20th Street, N.W.  
Washington, D.C. 20036

APR 12 1990

Case No.: 90-ERA-16 and 90-ERA-17

Frank R. Bausemer,  
Claimant,

v.

Flour Daniel  
and  
Commanche Peak Steam Electric Station  
and  
Brown & Root Incorporated  
and  
Texas Utilities Electric  
Respondents.

**RECOMMENDED DECISION AND ORDER**

The above claimant, Frank R. Bausemer, filed a complaint dated November 30, 1989 pursuant to the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851 (1982). The parties subsequently notified the undersigned that a proposed settlement in the above matter had been reached and the following documents were executed and filed with this office: Motion to Withdraw Complaint dated March 31, 1990; a Proposed Order of Dismissal; a Mutual Release dated March 30, 1990; and a Settlement Agreement dated March 30, 1990 (hereinafter "Agreement"). Pursuant to 20 C.F.R. 24.6 this office recommends that the Secretary of Labor approve the Agreement reached by the parties

---

[Page 2]

and dismiss this matter.

Upon review of the record and the submitted Agreement, this office finds the terms of the Agreement to be fair, adequate, and reasonable in light of the claimant's allegations under the Act. *Bunn v. MMR/Foley*, Case No. 89-ERA-5, Sec. Order Approving Settlement, September 29, 1989. Further, this office finds that the Agreement does not contravene the purpose of the Act which is "to encourage the reporting of safety violations by prohibiting economic retaliation against employees reporting such violations." *Macktal v. Brown & Root*, Case No. 85-ERA-7 (1985). *See also Aurich v. Consolidated Edison Co.*, Case No. 86-CAA-2, Sec. Order to Submit Settlement Agreement, July 10, 1987.

The Agreement provides for fair and equitable compensation to the claimant and does not restrict, discourage, or hinder his rights to report safety concerns in the future. The parties have requested that the record in this matter be kept under seal.

This office finds that the Agreement submitted in this matter is fair, adequate, and reasonable and, therefore, recommends that it be approved and that this matter be dismissed. This office further recommends that the record in this matter be kept under seal.

IT IS HEREBY ORDERED that this matter be dismissed with prejudice.

Glenn Robert Lawrence  
Administrative Law Judge